

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5226 OF 2007

Ram Advani & Anr... ..Petitioners.
V/s
State of Maharashtra & Ors... ..Respondents.

Mr.Atmaram Latnekar, Adv. For the petitioners.

Mr.Birendra Saraf i/by M/s.V.Deshpande & Co. for respondent No.2.

Mr.Devasis Mitra, Adv. For respondent No.6.

CORAM: A.P.DESHPANDE, J.

13/7/07

PC:

The respondent-cooperative bank has moved the Assistant Registrar by filing an application for recovery of amount against the borrower and the guarantors. The present petitioner is the guarantor. Respondent No.2-bank obtained recovery certificate under section 101 of the Maharashtra Cooperative Societies Act (the "Act"). The said order is revisable under section 154 of the act before the Divisional Joint Registrar. Instead of approaching revisional authority the present petition had filed writ petition No.3384/06 and a Division Bench of this Court by an order dated 7.6.06 allowed the petitioner to withdraw the petition granting liberty to approach the Registrar under section 154 of the Act. The petitioner approached the

Registrar by filing revision but did not comply with requirement of sub-section 2A of section 154 which mandates that no revision shall be entertained against recovery certificate issued under section 101 unless applicant deposits with the concerned society 50% of total amount of recoverable dues. As deposit of 50% of the amount is pre-condition revisional authority is justified in refusing to entertain the revision. Perused the order passed by the Divisional Joint Registrar of Cooperative Societies rejecting the revision for non compliance of provisions of section 154(2A) of the act. Same does not call for interference. Hence writ petition is summarily dismissed.

13.7.07